



**MCDOWELL SONORAN PRESERVE COMMISSION
7506 E. INDIAN SCHOOL ROAD
COMMUNITY DESIGN STUDIO - NAVE
SCOTTSDALE, ARIZONA 85251
THURSDAY, MAY 3, 2007**

MEETING MINUTES

PRESENT:

Art DeCabooter, Chair
Erik Filsinger, Vice-Chair
Joan Fudala, Commissioner
Melinda Gulick, Commissioner
Rand Hubbell, Commissioner
Arnold Roy, Commissioner
Tom Silverman, Commissioner
Linda Whitehead, Commissioner

ABSENT:

Virginia Korte, Commissioner
Gerry Miller, Commissioner
Solange Whitehead, Commissioner

STAFF PRESENT:

Bob Cafarella, Director
Don Meserve, Preservation Planner
Lisa Gurtler, Financial Services

ALSO PRESENT:

Carla, McDowell Sonoran Conservancy, Executive Director
Dan Gruber

1. CALL TO ORDER AND INTRODUCTIONS

Chairman DeCabooter called the meeting to order at 5:09 p.m.

Roll call and introductions indicated members and guests present as stated above.

2. **Approval of April 5, 2007 Meeting Minutes**

VICE-CHAIR FILSINGER MOVED TO APPROVE THE MINUTES OF THE APRIL 5, 2007 MCDOWELL SONORAN PRESERVE COMMISSION MEETING. COMMISSIONER FUDALA SECONDED. THE MOTION CARRIED UNANIMOUSLY BY A VOTE OF EIGHT (8) TO ZERO (0).

3. **State Land Reform Approach**

Carla reported that HCR 2039 and the companion House bill that lists the lands in question are currently in the Committee on Rules. Two more amendments have been made to the statutory part of the bill to address the concerns of educators. A seat has been added to the Board of Appeals that deals with all valuations of State Trust Land as it is being disposed of. That seat has been specifically reserved for a representative from the education community. The Urban Oversight Committee has had two education seats added to it.

If it passes the Senate, the bill would return to the House for approval of the Senate changes. The Governor has suggested she may veto the bill's statutory portion. The bill would allow Scottsdale's API land to be purchased at appraised value without going to auction. Scottsdale would have 25 years to pay for it. It covers 197,000 acres in all of urban and some ex-urban Arizona. It does not deal with rural land, which will be addressed later.

Commissioner Linda Whitehead inquired whether the appraised value contemplates its current land-use category under the General Plan. Mr. Cafarella responded that it would be based on existing zoning. Carla added that any land purchased under this agreement would have a deed restriction for permanent conservation.

In response to an inquiry from Commissioner Linda Whitehead, Carla said if the Governor vetoes the statutory portion, the Bill would return during the next session for changes.

Commissioner Hubbell inquired if the education community supported the Bill in light of the new additions. Carla responded that only the Arizona Education Association opposed it, because it does not fix everything that needs to be fixed. She noted that Prop 106 failed because it tried to do too much. The current bill was designed to be a reasonable step forward, not a solution to all problems.

In response to an inquiry from Chair DeCabooter, Carla said Representatives Kavanagh and Reagan support it in the House. Senator Carolyn Allen is currently opposed to it.

4. **McDowell Sonoran Conservancy Activities**

Commissioner Gulick reported that the MSC's annual Planning Retreat was held on April 28, to establish a work plan for the next fiscal year. Volunteer hours are up. The Conservancy has recently accepted a generous gift from Jane Rau that effectively doubles the size of the endowment.

5. **DDC Task Force Activities**

Commissioner Silverman presented a photograph of the proposed location for the DDC. He reported that \$33,500 has been pledged towards funding the initial study.

He presented the Request for Proposal and asked the Commission to comment on it. Commissioner Linda Whitehead suggested changing the phrase "appropriate disruption, as necessary, of the natural environment," be changed to "minimal disruption, only as necessary, of the natural environment."

Commissioner Silverman invited the Commission to submit suggestions for consultant services.

Commissioner Fudala inquired about the types of consultants that would be required. Mr. Cafarella said the first phase would be marketing oriented. The needs of the second phase would be based on the findings of the first study, and may include an educational component.

6. **Planning Committee Activities/Recommendations**

Vice-Chair Filsinger updated the activities of the Planning Committee work groups. The Operations work group has met with Lt. Cervantes who will be in charge of the enforcement efforts in the Preserve. Progress is being made addressing concerns about activities in the northern area that are harmful to the environment. Commissioner Linda Whitehead explained that violators would be considered trespassers and charged and prosecuted accordingly. The violations would be considered Class 2 misdemeanors.

Mr. Cafarella reported that the EPA has ordered the Phoenix metropolitan area to control particulates, including dusts that affect air quality. One of the proposed measures for compliance would be banning the use of ATV's for off-road purposes. Such a measure would have a positive impact on the Preserve's situation.

Vice-Chair Filsinger reported that the City is considering transferring Scott Hamilton's position from the Preservation Department to the Transportation Department. He presented a letter to Mayor/Council that outlines the rationale for keeping him in the Preservation Department, and entertained suggestions for improvement.

COMMISSIONER FUDALA MOVED TO ADOPT THE LETTER. SECONDED BY COMMISSIONER SILVERMAN. THE MOTION WAS APPROVED UNANIMOUSLY BY A VOTE OF EIGHT (8) TO ZERO (0).

7. **Temporary Parking at the Gateway**

Commissioner Gulick said safe and legal access to trails is necessary while the Preserve is completed and the DDC is built.

Mr. Cafarella said designers arrived at a parking solution that would only use desert land that would eventually be needed for the Gateway project. He presented a diagram that illustrated

the plan. The design would accommodate approximately 100 cars. The best scenario would see construction on the Gateway begin in May/June of 2008.

In response to an inquiry from Commissioner Fudala, Mr. Cafarella said the cost of the temporary parking project would be \$170,000. He noted that the construction would have to occur anyway in order to build the Gateway project, and would not be considered an additional cost.

Commissioner Linda Whitehead expressed concern that the project sends the message that the Preserve is a good steward of the public's money, that it have no impact on the condemnation case, that appropriate number of volunteers are available to staff it, and that temporary restroom facilities are provided.

Commissioner Gulick volunteered to lead a fundraising campaign to locate portable restrooms at the facility and pay for the service.

Commissioner Linda Whitehead asked what would happen to the people who have already become accustomed to using this area, once construction begins on the DDC. Mr. Cafarella responded that the designer and construction team have given assurances that the project can be built while leaving the temporary parking open. He added that the issue should be discussed at some point.

Commissioner Gulick expressed her preference that temporary parking be available for the start of the hiking season in October. She said an easy way to construct the balance of the parking and Gateway area would be to use the western access road. Once the Gateway is ready, temporary parking would only have to be closed for two weeks for paving. The Preserve could work with surrounding neighbors to arrive at a temporary parking solution during the closure period.

In response to an inquiry from Commissioner Linda Whitehead, Mr. Cafarella said the next access area to be opened would be the northern one in approximately two years.

Chair DeCabooter invited public commentary.

Mr. Gruber, a Conservancy steward, encouraged the Commission to move ahead with the temporary parking project. It would be a valuable addition to the hiking program and fulfill an important need.

8. Preserve Director's Report

Mr. Cafarella said the invasive plant brochure has been completed and is being prepared for printing. It should be available for distribution in two weeks. Permanent trail map boards are being constructed at each access area. Depositions for the condemnation case in October are in progress.

Mr. Meserve reported that the list of ten names approved by the Commission and Council has been submitted to the State Names Board for review. More names will be submitted in the future for features on state trust lands.

Volunteers are recording an inventory of petroglyphs in the Preserve. Logan Simpson Design is filing the information with the Arizona State Museum in compliance with the Antiquities Act.

9. **Preserve Manager's Report**

This report was not given.

10. **Future Executive Session for McDowell Sonoran Preserve Commission**

VICE-CHAIR FILSINGER MOVED TO HOLD AN EXECUTIVE SESSION ON JUNE 7, 2007, TO DISCUSS AND CONSULT WITH ROBERT CAFARELLA, THE COMMISSION'S DESIGNATED REPRESENTATIVE, TO CONSIDER THE COMMISSION'S POSITION AND INSTRUCT ITS REPRESENTATIVE WITH RESPECT TO THE PURCHASE, SALE OR LEASE FOR INCLUSION IN THE MCDOWELL SONORAN PRESERVE OF REAL PROPERTY LOCATED WITHIN THE RECOMMENDED STUDY BOUNDARY FOR THE MCDOWELL SONORAN PRESERVE, INCLUDING BUT NOT LIMITED TO THE STATE TRUST LAND THAT IS RECLASSIFIED AS SUITABLE FOR CONSERVATION UNDER THE ARIZONA PRESERVE INITIATIVE, AND THE STATE TRUST LAND THAT IS NOT RECLASSIFIED AS SUITABLE FOR CONSERVATION UNDER THE ARIZONA PRESERVE INITIATIVE. ARS 38-431.03 (A) (3) and (A) (7). COMMISSIONER FUDALA SECONDED. THE MOTION PASSED UNANIMOUSLY BY A VOTE OF EIGHT (8) TO ZERO (0).

Chair DeCabooter noted that the executive session previously scheduled for May 3 would be postponed due to the absence of several Commissioners.

11. **Commissioner Comments and Public Comments**

None.

12. **Agenda Items for Future Meetings**

Commissioner Gulick suggested a Commission planning retreat be scheduled.

13. **Adjournment**

With no further business to discuss, and no need for an executive session, the meeting adjourned at 6:09 pm.

Respectfully submitted,
A/V Tronics, Inc.